

TELEFACSIMILE LETTER
FROM
PENNIE AND EDMONDS
1155 Avenue of the Americas
New York, New York 10036
Telephone Number (212) 790-9090
Fax Nos.: (212) 869-9741/8864

TO: United States Patent and Trademark Office
Washington, D.C. 20231

ATTENTION: ALESIA M. BROWN

FAX NO.: (703) 308-6916

FROM: GERALDINE F. BALDWIN, ESQ.

PAGES: 15

DATE: March 17, 2003

If you have any problems receiving this document, please telephone the sender at
(212) 790-2296

Application of: ROZHON et. al.

Application No.: 09/712,033

Filed: November 14, 2000

For: ENTERIC FORMULATIONS OF
PROANTHOCYANIDIN POLYMER
ANTIDIARRHEAL COMPOSITIONS

Group Art Unit: 1651

Examiner: Marx, I.

Old Attorney Docket No.: 7032-073
New Attorney Docket No.: 11133-004-999

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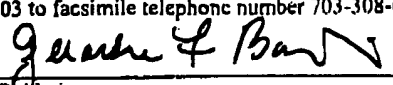
PETITIONS OFFICE

Per our teleconference of this afternoon, attached is a true copy of the Request for
Reconsideration of Petition to Revive Application of which was submitted pursuant to 37 C.F.R.
§ 1.6(d) on September 25, 2002 and a true copy of the facsimile transmission confirmation
evidencing such transmission.

Please call me once you have received the facsimile.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on
March 17, 2003 to facsimile telephone number 703-308-6916.


Geraldine F. Baldwin

31.232

(Reg. No.)

TELEFACSIMILE LETTER
FROM
PENNIE AND EDMONDS
1155 Avenue of the Americas
New York, New York 10036
Telephone Number (212) 790-9090
Fax Nos.: (212) 869-9741/8864

TO: United States Patent and Trademark Office
Washington, D.C. 20231

ATTENTION: Alesia M. Brown

FAX NO.: (703) 308-6916

FROM: GERALDINE F. BALDWIN, ESQ.

PAGES: 13 + Cover Sheet

DATE: September 25, 2002

If you have any problems receiving this document, please telephone the sender at
(212) 790-2296

Application of: ROZHON et. al.

Application No.: 09/712,033

Group Art Unit: 1651

Filed: November 14, 2000

Examiner: Marx, I.

For: ENTERIC FORMULATIONS OF
PROANTHOCYANIDIN
POLYMER ANTIDIARRHEAL
COMPOSITIONS

Old Attorney Docket No.: 7032-073
New Attorney Docket No.: 11133-004-999

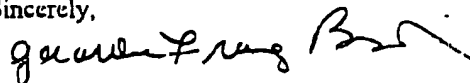
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MAR 17 2003

PETITIONS OFFICE

In reply to the Decision on the Petition Under 37 C.F.R. § 1.137(b) dated September 12, 2002, transmitted herewith are (1) a Request for Reconsideration of Petition Under 37 C.F.R. § 1.137(b) to Revive Unintentionally Abandoned Application; and a copy of (2) Notice to File Missing Parts of Nonprovisional Application; (3) Declaration and Power of Attorney in two counterparts; (4) Utility Patent Application Transmittal; (5) an Express Mail Receipt; (6) an Express Mail Certification log; and (7) a Postcard Receipt from the PTO.

Sincerely,



Geraldine F. Baldwin
Reg. No. 31,232

7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Rozhon, et. al.

Application No.: 09/712,033

Filed: November 14, 2000

Attention: Alesia M. Brown, Petitions
Attorney
Office of Petitions

For: ENTERIC FORMULATIONS OF
PROANTHOCYANIDIN
POLYMER ANTIDIARRHEAL
COMPOSITIONS

Old Attorney Docket No.: 7032-073
New Attorney Docket No.: 11133-004-999

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. § 1.137(b)
TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION

Commissioner for Patents
BOX DAC
Washington, D.C. 20231

FAX RECEIVED

MAR 17 2003

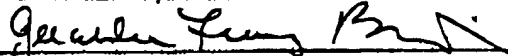
Sir:

PETITIONS OFFICE

On July 3, 2002, attorneys for Applicants filed a Petition to Revive the above-identified application based on unintentional abandonment. With the Petition to Revive were submitted: a Statement of Facts; the Fee required, a Statement of Unintentional Delay, a Response to the Notice to File Missing Parts with a copy of the Notice, authorization for all necessary fees, and an Extension of Time to Respond (together "Petition"). The above application was abandoned on June 19, 2001, for failure to timely file a proper response to the Notice to File Missing Parts of Nonprovisional Application ("Notice") mailed April 18, 2001.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on September 25, 2002 to facsimile telephone number 703-308-6916.


Gerald F. Baldwin

31,232

(Reg. No.)

On September 12, 2002, a "Decision on Petition under 37 CFR 1.137(b)" ("Decision") was issued under which the Petition was dismissed. The Decision indicated that the Petition was deficient because it was alleged that Petitioner failed to submit a complete reply to the Notice. Specifically, it was alleged that Petitioner failed to submit an oath or declaration executed by all of the inventors named in the application.

Petitioner respectfully disagrees with the Decision. It is respectfully requested that the present Request for Reconsideration of the Petition be considered and granted.

First, the Notice does not specify that the oath or declaration is missing. A copy of the Notice is enclosed¹. It indicates that the statutory basic filing fee is missing and that additional claim fees are required. Further, it specifies that, to avoid abandonment, a late filing fee or oath or declaration surcharge must be submitted with the missing items. As the Decision notes, Petitioner has submitted the required fees. Thus, Petitioner asserts that a complete reply to the Notice has been submitted.

Second, a Declaration executed by all the inventors was submitted with this application as filed. In support, a copy of each of the following items is enclosed:

(a) Declaration and Power of Attorney from Serial No. 09/066,989, in two counterparts, one signed by 5 inventors (Rozhon, Khandwala, Balwani, Chan and Sesin), and the other signed by the one remaining inventor (Sabouni) which was submitted with the present application as filed;

(b) Utility Patent Application Transmittal bearing Express Mail No. EL501635471US with box checked next to "oath and declaration" and stating total of 4 sheets, and box checked for "copy from prior application Serial No. 09/066,989" submitted with the present application as filed;

(c) Express Mail Receipt indicating Express Mail number EL501635471US, addressed to the Assistant Commissioner of Patents and November 14, 2000 (the filing date of the present application);

(d) Pennie & Edmonds LLP's Express Mail Certification log for EL501635471US listing attorney docket number 7032-073 and the materials sent to the PTO (material not related to the present case has been redacted from the log); and

¹ It is noted that the Attorney Docket No. indicated on the Notice is wrong. The Docket No. on the Notice (7032-058) is that of the parent application. The Docket No. of the present application was originally 7032-073 and has been changed to 11133-004.

(e) Postcard Receipt returned from the PTO acknowledging receipt of the papers filed with the application including the copy of executed Declaration and Power of Attorney from Serial No. 09/066,989.

Thus, a Declaration has been provided executed by all 6 inventors, meeting the requirements of 37 C.F.R. § 1.63. Further, Petitioner has fully complied with the requirements of the Notice on its face.

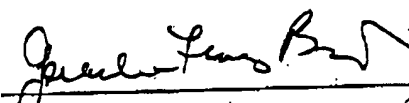
In view of the above, it is respectfully requested that the above-identified application be revived.

This request for reconsideration is being submitted prior to the two month deadline and thus, no fee is believed to be due. If any fee is due for filing this Request for Reconsideration of the Petition please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A duplicate of this paper is included for accounting purposes.

If any questions remain, it is requested that the undersigned be contacted by telephone at 212-790-2296. Further, it is requested that the PTO files be changed to indicate the current Attorney Docket No. 11133-004.

Respectfully submitted,

Date September 25, 2002


Geraldine F. Baldwin 31,232
(Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Enclosures

M. Brumley
1725

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/712,033	11/14/2000	Edward James Rozhon	7032-058

20583
PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 100362711

CONFIRMATION NO: 9130

FORMALITIES LETTER



0000000005979929

Date Mailed: 04/18/2001

Fees Due 6/18/01

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

FAX RECEIVED

Filing Date Granted

MAR 17 2003

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

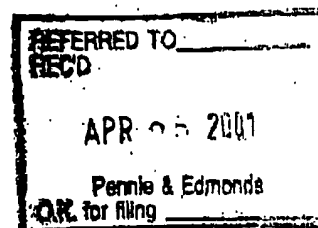
- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1612.
 - \$972 for 54 total claims over 20.
 - \$640 for 8 independent claims over 3.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.15(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2452.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

FAX RECEIVED

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

MAR 17 2003

ENTERIC FORMULATIONS OF PROANTHOCYANIDIN POLYMER ANTIDIARRHEAL COMPOSITIONS

PETITIONS OFFICE

and for which a patent application:

☐ is attached hereto and includes amendment(s) filed on _____ (if applicable)
☒ was filed in the United States on April 23, 1998 as Application No. 09/066,989 (for declaration not accompanying application)

with amendment(s) filed on _____ (if applicable)

☐ was filed as PCT international Application No. _____ on _____ and was amended under PCT Article 19 on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(c) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
08/730,772	October 16, 1996		X	

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Miarock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Benj A. Terzian (Reg. No. 20060), Gerald J. Flinnoff (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Isaac Jarkovsky (Reg. No. 22713), Joseph V. Colasanni (Reg. No. 20019), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27466), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Cocuzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30892), Paul J. Zegger (Reg. No. 33821), Edmond R. Banboe (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), Ann L. Girolis (Reg. No. 31956), Mark A. Farley (Reg. No. 33170), and James G. Markey (Reg. No. 31036), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

PENNIE & EDMONDS DOCKET NO. 7032-05E 999

SEND CORRESPONDENCE TO: PENNIE & EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, N.Y. 10036-2711

DIRECT TELEPHONE CALLS TO:
PENNIE & EDMONDS DOCKETING
(212) 790-2803

201	FULL NAME OF INVENTOR	LAST NAME ROZHON	FIRST NAME Edward	MIDDLE NAME James
	RESIDENCE & CITIZENSHIP	CITY El Granada	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States
	POST OFFICE ADDRESS	STREET 523 San Carlos Avenue	CITY El Granada	STATE OR COUNTRY California
202	FULL NAME OF INVENTOR	LAST NAME KHANDWALA	FIRST NAME Atul	MIDDLE NAME S.
	RESIDENCE & CITIZENSHIP	CITY San Carlos	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States
	POST OFFICE ADDRESS	STREET 4 Marigold Lane	CITY San Carlos	STATE OR COUNTRY California
203	FULL NAME OF INVENTOR	LAST NAME SABOUNI	FIRST NAME Akram	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY Fairport	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP United States
	POST OFFICE ADDRESS	STREET 23 Emerald Hill Circle	CITY Fairport	STATE OR COUNTRY New York
204	FULL NAME OF INVENTOR	LAST NAME BALWANI	FIRST NAME Gul	MIDDLE NAME P.
	RESIDENCE & CITIZENSHIP	CITY Freemont	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States
	POST OFFICE ADDRESS	STREET 483 Altura Place	CITY Freemont	STATE OR COUNTRY California
205	FULL NAME OF INVENTOR	LAST NAME CHAN	FIRST NAME Jody	MIDDLE NAME Wai-Han
	RESIDENCE & CITIZENSHIP	CITY Mountain View	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States
	POST OFFICE ADDRESS	STREET 2101 California Street, #323	CITY Mountain View	STATE OR COUNTRY California
206	FULL NAME OF INVENTOR	LAST NAME SESIN	FIRST NAME David	MIDDLE NAME F.
	RESIDENCE & CITIZENSHIP	CITY San Carlos	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States
	POST OFFICE ADDRESS	STREET 90 Bay Port Court	CITY San Carlos	STATE OR COUNTRY California

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201 Edward James ROZHON <i>Edward James Rozhon</i>	SIGNATURE OF INVENTOR 202 Atul S. KHANDWALA <i>Atul S. Khandwala</i>	SIGNATURE OF INVENTOR 203 Akram SAHOUNI
DATE 13 OCT. 1998	DATE October 16, 1998	DATE
SIGNATURE OF INVENTOR 204 Gul P. BALWANI <i>Gul P. Balwani</i>	SIGNATURE OF INVENTOR 205 Jody Wai-Han CHAN <i>Jody Wai-Han Chan</i>	SIGNATURE OF INVENTOR 206 David F. SESIN <i>David F. Sisin</i>
DATE 13 OCT. 1998	DATE 14 Oct 98	DATE 14 Oct 98

PENNIE

PENNIE MOND'S CHECK NO. 7032-058-999

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

ENTERIC FORMULATIONS OF PROANTHOCYANIDIN POLYMER ANTIDIARRHEAL COMPOSITIONS

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MAR 17 2003

PETITIONS OFFICE

and for which a patent application:

(1) is attached hereto and includes amendment(s) filed on _____ (if applicable)

(2) was filed in the United States on April 23, 1998 as Application No. 09/066,989 (for disclosure see accompanying application)

with amendment(s) filed on _____ (if applicable)

(3) was filed as PCT International Application No. _____ on _____ and was amended under PCT Article 19 on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

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APPLICATION NUMBER	FILING DATE

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		PATENTED	PENDING	ABANDONED
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(1)

PENNIE MOND'S

OCT 19 '98 15:21

9735403264 PAGE.002

SEND CORRESPONDENCE TO: PENNIE & EDMONDS LLP 1155 AVENUE OF THE AMERICAS NEW YORK, N.Y. 10036-2711				DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS LLP DOCKETING (212) 790-2803	
201	FULL NAME OF INVENTOR	LAST NAME ROZHON	FIRST NAME Edward	MIDDLE NAME James	
	RESIDENCE & CITIZENSHIP	CITY El Granada	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States	
	POST OFFICE ADDRESS	STREET 523 San Carlos Avenue	CITY El Granada	STATE OR COUNTRY California	ZIP CODE 94018
202	FULL NAME OF INVENTOR	LAST NAME KHANDWALA PHU	FIRST NAME Abul	MIDDLE NAME S.	
	RESIDENCE & CITIZENSHIP	CITY San Carlos	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States	
	POST OFFICE ADDRESS	STREET 4 Marigold Lane	CITY San Carlos	STATE OR COUNTRY California	ZIP CODE 94070
203	FULL NAME OF INVENTOR	LAST NAME SABOUNI	FIRST NAME Akram	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Fairport	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP United States	
	POST OFFICE ADDRESS	STREET 23 Emerald Hill Circle	CITY Fairport	STATE OR COUNTRY New York	ZIP CODE 14450
204	FULL NAME OF INVENTOR	LAST NAME BALWANI	FIRST NAME Gul	MIDDLE NAME P.	
	RESIDENCE & CITIZENSHIP	CITY Fremont	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States	
	POST OFFICE ADDRESS	STREET 483 Akura Place	CITY Fremont	STATE OR COUNTRY California	ZIP CODE 94536
205	FULL NAME OF INVENTOR	LAST NAME CHAN	FIRST NAME Jody	MIDDLE NAME Wai-Han	
	RESIDENCE & CITIZENSHIP	CITY Mountain View	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States	
	POST OFFICE ADDRESS	STREET 2101 California Street, #323	CITY Mountain View	STATE OR COUNTRY California	ZIP CODE 94040
206	FULL NAME OF INVENTOR	LAST NAME SEGIN	FIRST NAME David	MIDDLE NAME P.	
	RESIDENCE & CITIZENSHIP	CITY San Carlos	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States	
	POST OFFICE ADDRESS	STREET 90 Bay Port Court	CITY San Carlos	STATE OR COUNTRY California	ZIP CODE 94707


I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 1 Edward James ROZHON	SIGNATURE OF INVENTOR 2 Abul S. KHANDWALA	SIGNATURE OF INVENTOR 3 Akram SABOUNI
DATE 10-19-98	DATE 10-19-98	DATE 10-19-98
SIGNATURE OF INVENTOR 4 Gul P. BALWANI	SIGNATURE OF INVENTOR 5 Jody Wai-Han CHAN	SIGNATURE OF INVENTOR 6 David P. SEGIN
DATE 10-19-98	DATE 10-19-98	DATE 10-19-98

OCT 19 '98 15:21

(2)

9735403264 PAGE.003

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PTO/SB/29 (10/97)

Approved for use through 09/30/00. OMB 0351-0032
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No.	7032-073	Total Pages	90
	First Named Inventor or Application Identifier			
	Edward J. Rozh n			
	Express Mail Label No.	EL 501 635 471 US		

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.	ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
---	---

1. ☒ Transmittal Form
 Submit an original, and a duplicate for fee processing
 (Total Pages 78)
2. ☒ Specification
 (preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R&D
 - Reference to Microfiche Appendix
 - Background of the invention
 - Brief Summary of the invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description of the invention (including drawings, if filed)
 - Claim(s)
 - Abstract of the Disclosure
3. ☒ Drawing(s) (35 USC 113) (Total Sheets 9)
4. ☒ Oath or Declaration (Total Sheets 4)
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63(d)) Serial No. 09/066,989 filed April 23, 1998
 (for continuation/divisional with Box 17 completed)
 [Note Box 5 below]
 - i. ☐ **DELETION OF INVENTOR(S)**
 Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).
5. ☒ Incorporation By Reference (useable if Box 4b is checked)
 The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. ☐ Nucleotide and/or Amino Acid Sequence Submission
 (if applicable, all necessary)
 - a. ☐ Computer Readable Copy
 - b. ☐ Paper Copy (identical to computer copy)
 - c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
 (when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☒ Information Disclosure ☐ Copies of IDS
 Statement (IDS/PTO-1449 Citations)
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503)
 (Should be specifically itemized)
14. ☐ Small Entity ☐ Statement filed in prior application;
 Statement(s) Status still proper and desired
15. ☐ Certified Copy of Priority Document(s)
 (if foreign priority is claimed)
16. ☐ Other.

17. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information:
- ☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09/066,989 filed April 23, 1998.

18. CORRESPONDENCE ADDRESS

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